

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TRUSTEES OF THE OPERATING ENGINEERS'  
LOCAL 324 PENSION FUND, OPERATING  
ENGINEERS' LOCAL 324 HEALTH  
CARE PLAN, OPERATING ENGINEERS' LOCAL  
324 VACATION & HOLIDAY FUND, OPERATING  
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,  
OPERATING ENGINEERS' LOCAL 324 APPRENTICESHIP  
FUND, and OPERATING ENGINEERS' LOCAL 324  
DEFINED CONTRIBUTION PLAN,  
Trust Funds Established and Administered  
Pursuant to Federal Law,

Plaintiffs,

v.

Case No. 14-cv-12047  
Hon. John Corbett O'Meara

AMERICAN EXCAVATING  
CONTRACTORS, LLC, a Michigan  
limited liability company, and  
MANUEL RODGERS, Individually,

Defendants.

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**ORDER OF JUDGMENT AGAINST DEFENDANTS  
AMERICAN EXCAVATING CONTRACTORS, LLC  
AND MANUEL RODGERS**

This matter having come before the Court upon Plaintiffs' Motion for Entry of Judgment by Default Against Defendants, oral argument having been heard, and the Court being otherwise fully advised in the premises;

**IT IS ORDERED** that a Judgment by Default is hereby entered against Defendants AMERICAN EXCAVATING CONTRACTORS, LLC and MANUEL RODGERS in the amount of \$47,796.95.

**IT IS FURTHER ORDERED** that Defendant AMERICAN EXCAVATING CONTRACTORS, LLC open up its books and records in order that a complete payroll audit through the present be conducted to determine any further due and owing unpaid contributions beyond those set forth herein;

**ITS FURTHER ORDERED** that Plaintiffs shall move to have this Judgment amended to include any further due and owing amounts as determined by the aforementioned audit plus the further mandates of 29 USC §1132(g)(2), liquidated damages and actual fees and costs.

**IT IS FURTHER ORDERED** that Defendant is enjoined from any further breach of the Collective Bargaining Agreement as same relates in any way to the payment of contributions to Plaintiffs; and

**IT IS FURTHER ORDERED** that jurisdiction of this matter be retained pending compliance with the Court's orders.

Date: August 28, 2014

s/John Corbett O'Meara  
United States District Judge

This Order Prepared By:

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